

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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|---------------------------|---|---------------|
| VISHNU NALI, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 25 C 3969 |
| |) | |
| KRISTI NOEM, Secretary, |) | Judge Rowland |
| DEPARTMENT OF HOMELAND |) | |
| SECURITY, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

GOVERNMENT’S STATUS REPORT

1. Nature of the Case

- A. Plaintiff is represented by Jeffrey Grant Brown, Jeffrey Grant Brown, P.C. Defendants are represented by Assistant United States Attorneys Craig A. Oswald and Joshua S. Press, U.S. Attorney’s Office for the Northern District of Illinois.
- B. Plaintiff asserts that this court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1331 (federal defendant), and 5 U.S.C § 702 (right of review).
- C. Plaintiff filed this action alleging a violation of his due process rights under the Fifth Amendment and the Administrative Procedure Act arising from defendants' termination of his Student and Exchange Visitor Information Systems ("SEVIS") record. *See* Dkt. 3. This action also includes plaintiff’s motion for a temporary restraining order to (i) enjoin defendants from terminating plaintiff’s F-1 student status under the SEVIS system, and (ii) require defendants to set aside their F-1 student status termination determination. *See* Dkt. 4.

- 2. Status of Service** The U.S. Attorney’s Office for the Northern District of Illinois received proper service of the summons and corrected complaint on April 14, 2025 together with plaintiff’s motion for a temporary restraining order.

3. Discovery and Pending Motions

- A. Plaintiff's motion for a temporary restraining order is currently pending before this court. *See* Dkt. 4.
- B. Plaintiff's motion for temporary restraining order was presented to the court on April 18, 2025 and expert witness testimony was taken.
- C. On the same date, the court ordered defendants to file a status report to indicate whether they request a hearing on the motion to present witnesses by April 22, 2025 at 5 p.m. CST. *See* Dkt 21.
- D. The defendants will not be presenting any witnesses at the hearing relating to the temporary restraining order/preliminary injunction.
- E. The court ordered the parties to file cross-briefs on the motion for temporary restraining order due on April 24, 2025 at 5 p.m. CST. *See* Dkt. 21.
- F. Defendants' deadline to respond to the complaint is June 13, 2025.
- G. This action constitutes "an action for review on an administrative record" under Rule 26(a)(1)(B)(i) and is exempt from the initial disclosure requirements of Rule 26(a)(1), as well as from the requirements of Rule 26(f), requiring the parties to prepare a discovery plan. Furthermore, because the plaintiffs' claims are brought under the Administrative Procedure Act, no discovery is appropriate in this matter. *See, e.g., Dep't of Commerce v. New York*, 588 U.S. 752, 781–82 (2019); *Cronin v. USDA*, 919 F.2d 439, 443–44 (7th Cir. 1990); *Sokaogon Chippewa Cmty. v. Babbitt*, 929 F. Supp. 1165, 1172 (W.D. Wis. 1996).

4. Trial

- A. Defendants do not anticipate or demand a jury trial.

5. Consent and Settlement Discussions

- A. The parties have not engaged in settlement negotiations.
- B. The parties do not request a settlement conference at this time.
- C. Defendants do not unanimously consent to proceed before the Magistrate Judge.

Respectfully submitted,

ANDREW S. BOUTROS
United States Attorney

By: s/ Craig A. Oswald

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